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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,308	02/19/2004	Gerald Richter	10541-1988	7625
29074	7590	09/10/2007		
VISTEON C/O BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610			EXAMINER FORD, JOHN K	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,308	Applicant(s) RICHTER ET AL.	
	Examiner John K. Ford	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/13/06.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/19/04</u> | 6) <input type="checkbox"/> Other: _____ |

Applicant's response of October 13, 2006 has been carefully considered.

Applicant's election of the independently operated flaps, without traverse, is acknowledged. Claims 1-9 have been identified as readable on the elected species. The election is deemed proper and made final.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no original descriptive support for the range being "greater than" 0 to 50. To avoid this rejection the original language must be restored.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear whether the heating and air conditioning system, *per se*, is being claimed or whether the heating and air conditioning system in combination with

the vehicle is being claimed. If it is the former applicant is put on notice that how the device is placed in the vehicle is not a limitation that will be extended patentable weight. If on the other hand the vehicle in combination with the heating and air conditioning system is being claimed, such limitations will be given weight. To clearly claim a vehicle in combination with the heating and air conditioning system, applicant should recite a vehicle after the word "comprising".

The word "suitable" in claim 1 is vague. What are suitable and unsuitable air directing devices? "Longitudinal" in claim 1 is vague: longitudinal of what? The term "center console" is vague: center of what? "Parallel-symmetric air guiding system is vague": parallel to what and symmetric to what? The function of the trapezoidal ducts is not a structural limitation that is given patentable weight. See MPEP 2114, incorporated here by reference.

In claim 2, since the evaporator and heater are substantially perpendicular to one another it is not descriptive to state that they are "commonly inclined" by any angle.

In claim 3, aside from the "new matter" problem discussed above, the recitation of a range with the words "greater than" preceding it is vague. Moreover, the claim states no frame of reference from which to measure this angle. For example, is the angle measured from a vertical or horizontal plane?

In claim 4, it is unclear what "main transformation axes" are.

In claim 5, what direction within the air conditioner is "the vehicle longitudinal direction"? Make it clear in the claim.

In claim 6, there is no defined orientation such that one would know what the "z-y plane" refers to. Define the z and y directions relative to the previously claimed elements of with the heating and air conditioning system.

In claim 7, there is no antecedent basis for "air mixing chambers".

In claim 7-9, "parallel-symmetric air guiding system is vague": parallel to what and symmetric to what?

Claim 8 lacks some dependency to make it a proper claim. It should probably depend from claim 1. In addition, "about 90" is vague as to the location where this turn occurs. Where in the structure does the airflow turn 90 degrees?

In claim 9, it is unclear where the ducts begin and end, Define the beginning and ending relative to some other claimed structure.

It is respectfully submitted that all of these claims need a lot of work.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 10-29420 (Izawa).

Izawa shows a an evaporator 4, heater 5, a mixing space above heater 5, "suitable" air directing devices (10 etc), trapezoidal foot outlet ducts 19 (and 23) that deviate (after turning approximately 90 degrees from the outlet of the heater, where the airflows are parallel and symmetric) from the right and left sides of the casing and an air impermeable wall 33.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-29420 (Izawa) as applied to claims 1-9 above, and further in view of DE 19732523 (Khelifa).

Khelifa discloses in Figure 1 ducts 10 and 11 that are trapezoidal in shape at least where they join the housing 2. To have made each of the right and left ducts 23 of Izawa with a trapezoidal cross-section as taught by Khelifa at least in the vicinity of the housing of Izawa would have been obvious to one of ordinary skill in the art to accommodate air flow.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-29420 (Izawa) as applied to claims 1-9 above, and further in view of Sano (USP 6474406).

Sano discloses concave sides at 12c and 12d in Figure 3. To have configured the housing of Izawa with this shape to advantageously make the unit more compact (as explicitly discussed in Sano) would have been obvious to one of ordinary skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Ford whose telephone number is 571-272-4911. The examiner can normally be reached on Mon.-Fri. 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John K. Ford
Primary Examiner